



**SO ORDERED.**

**SIGNED July 16, 2009.**

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**ROBERT SUMMERHAYS  
UNITED STATES BANKRUPTCY JUDGE**

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**UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF LOUISIANA**

**IN RE:**

**JIMMY FRUGE**

**CASE NO. 08-51451**

**Debtor**

**Chapter 13**

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**ORDER**  
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The present matters before the court are (1) Jimmy Fruge's (the "Debtor") objection to the proof of claim filed by Evangeline Economic and Planning District Council, Inc. d/b/a Acadiana Regional Development District (the "District") in the amount of \$124,000, (2) plan confirmation, and (3) Debtor's Motion to Value certain collateral subject to a mortgage held by the District. A hearing was held on these matters on May 13, 2009. The purpose of the valuation is to determine the amount of the District's secured claim under 11 U.S.C. §506(a). The property at issue is a seafood processing plant and retail store. The District presented expert appraisal testimony valuing the property at \$148,000. The District's appraiser supported his valuation with comparable sales data, as well as a physical examination of the property. Debtor testified on his own behalf that he believed the property to be worth approximately \$65,000. Debtor based this valuation, in part, on information from parish tax records. Debtor did not offer an appraisal by a qualified appraiser, and offered no other evidence supporting his proposed valuation. After reviewing the record and

considering the testimony offered during the hearing, the court fixes the value of the subject property at **\$148,000**. Accordingly:

**IT IS ORDERED** that:

- (1) the Debtor's Motion to Value Asset is GRANTED IN PART;
- (2) Mr. Fruge's objection to the District's proof of claim is overruled;
- (3) confirmation of Mr. Fruge's March 30, 2009, plan is denied; Debtor shall file an amended plan that reflects the court's ruling on valuation no later than July 27, 2009, and shall notice that plan to the matrix for hearing on August 19, 2009, at 8:30 a.m.; and
- (4) In all other respects, the relief requested by Mr. Fruge is denied.

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